

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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U.S.D.C. - Atlanta

OCT 15 2018

JAMES N. HATTEN, Clerk

BY:  Deputy Clerk

) case #1:18-cv-03443-AT-RGV

)
KEN JOSEPH)
)
Plaintiff,)
v.)
)
EXPERIAN INFORMATION)
SOLUTION, INC., Et al.,)
)
Defendant,)

PLAINTIFF'S RULE 26 INITIAL DISCLOSURE

Pursuant to Fed. R Civ. P. 26(a)(1), Plaintiff makes the following disclosures base on the information currently and reasonably available to Plaintiff.

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff's contentions as to what defendant did or failed to do, and a succinct statement of the legal issues in the case.

Response: This Case arises under the Fair Credit Reporting Act alleges violations of 15 U.S.C § 1681g(a)(1). EXPERIAN INFORMATION SOLUTIONS, INC.; TRANS UNION LLC; EQUIFAX, INC.; EQUIFAX INFORMATION SERVICES, LLC ("Defendants") repeatedly failed to comply with Plaintiff's multiple requests for his full consumer file disclosure pursuant to 15 U.S.C. § 1681g(a)(1).

Plaintiff is an individual and a resident of the State of Georgia. Defendants are credit reporting agencies. On several occasions Plaintiff

exercised his rights under the Fair Credit Reporting Act (“FCRA”) and requested what is commonly known as “Full File Disclosure” from each of the defendant. In other words, He requested from each defendant all information contained in his file. Plaintiff’s requests were denied by each one of the Defendants. This failure to comply for multiple request constitutes a violates the FCRA.

(2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

Response: The following are some of statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action:

- 15 U.S.C. § 1681g(a)(1)
- *Pettway v. Equifax Info. Servs., LLC*, 2010 U.S. Dist. Lexis 13800, at *22 (S.D. Ala. Feb 12, 2010). A “Consumer report” or a “Consumer Credit report” is different from a Consumer Disclosure.
- The FTC’s 40 Years of Experience with the Fair Credit Reporting Act
- *Gillespie v. Equifax Info. Servs., LLC* 484 F. 3D 938, 941 (7th Cir. 2007) (“A primary purpose of the statutory scheme provided by the disclosure in § 1681 g(a)1 is to allow consumers to identify inaccurate information in their credit files and correct this information via the grievance procedure established under § 1681i”)
- *Mourning v. Falmily Pub. Serv., Inc*, 411 U.S. 356, 364 (1973)(“[B]lind economic activity is inconsistent with the efficient functioning of the free economic system such as ours.”)

Plaintiff reserves the right to supplement this response.

(3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to

support your claims or defenses, unless solely for impeachment, identifying the subjects of the information.

(Attach witness list to Initial Disclosures as Attachment A.)

Response: See attachment A

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

Response: At this time Plaintiff has not determined whether he will call a witness at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. Plaintiff reserves the right to supplement his response to this disclosure as required by law.

(5) Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

Response: See attachment C.

(6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying (Rev. 03/01/11) APP.B - 4as under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

Response: Plaintiff seeks to recover statutory damages as alleged in this case. As discovery has not yet commenced, Plaintiff will supplement his response to this disclosure as required by law.

(7) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Response: None

(8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiff's cause of action and state the basis and extent of such interest.

Response: none

Dated: October 9, 2018

Respectfully submitted,



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ATTACHMENT A

1. Defendant's Corporate Representatives or employees have knowledge of Plaintiff's files, Plaintiff's inquires, and Defendant's replies.

Experian Information Solutions, Inc. With a corporate offices at 475 Anton Blvd., Costa Mesa, CA 92626

Equifax Inc. corporate offices at 1550 Peachtree Street, Atlanta, GA 30309

TransUnion, LLC with corporate offices at 555 W. Adams Street Chicago, IL 60661

2. Counsel for Defendant

Plaintiff reserves the right to supplement this response

ATTACHMENT C

1. Plaintiff's file disclosure request.
2. Defendant's replies and attachments
3. Recoverable Information from discovery.

Plaintiff reserves the right to supplement this response